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January 20, 2005

VIA FEDERAL EXPRESS

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Mr. Andrew Weber, Clerk
Supreme Court of Texas
201 W. 14th Street, Room 104
Austin, Texas 78701

Re: No. 04-1144; *Shirley Neeley, in her official capacity as the Commissioner of Education, et al. v. West Orange-Cove Consolidated I.S.D., et al.*; In the Supreme Court of Texas

Dear Mr. Weber:

Enclosed is the original and twelve copies of *West Orange Cove Appellees' Response to State Appellants' Statement of Jurisdiction*.

Please file in your usual manner and return the file-stamped copy in the self-addressed, stamped envelope provided.

As always, thank you for your courtesy and assistance.

Sincerely,



Lisa Ivey,
Legal Assistant

Enclosures

H-527158.1

Attorneys

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Mr. Andrew Weber
January 20, 2005
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NO. 04-1144

In the Supreme Court of Texas

SHIRLEY NEELEY, IN HER OFFICIAL CAPACITY AS
THE COMMISSIONER OF EDUCATION, ET AL.,

Appellants,

v.

WEST ORANGE-COVE CONSOLIDATED I.S.D., ET AL.,

Appellees.

WEST ORANGE COVE APPELLEES' RESPONSE TO
STATE APPELLANTS' STATEMENT OF JURISDICTION

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ATTORNEYS FOR WEST ORANGE COVE APPELLEES

TO THE HONORABLE SUPREME COURT OF TEXAS:

The West Orange Cove Plaintiffs, a coalition of 47 property-wealthy and property-poor school districts, including Houston I.S.D., Dallas I.S.D., and Austin I.S.D., hereby file their Response to the State's Statement of Jurisdiction.¹

ARGUMENT

The West Orange Cove Plaintiffs join the State in asking this Court to note probable jurisdiction over this direct appeal. The State correctly indicated that this Court has direct appeal jurisdiction under Section 22.001(c) of the Texas Government Code. The West Orange Cove Plaintiffs also agree that school finance litigation is of undisputed importance to the jurisprudence of the State and to the citizens of Texas, that a detour through the court of appeals would unnecessarily delay the final resolution of this case, and that briefing should be expedited as proposed by the State.

Based upon his consideration of more than five weeks of testimony and thousands of exhibits, the Honorable John Dietz issued an important, comprehensive decision holding Texas's school finance system unconstitutional on three separate grounds, all of which are entirely consistent with previous opinions of this Court. Contrary to the State's suggestion, Judge Dietz gave considerable deference to the Legislature in interpreting the constitutional mandate of "general diffusion of knowledge," or adequacy. FOF 18-29; COL 6-9. In fact, Judge Dietz defined adequacy in terms of the Legislature's statutory directives and academic requirements, and, applying those directives and requirements,

¹ The complete list of the West Orange Cove Plaintiffs is set forth in Finding of Fact 1 ("FOF"), attached as Appendix B to the State's Statement of Jurisdiction.

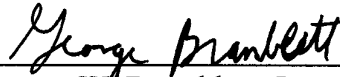
found the public school finance system lacking. FOF 18-29; COL 6-9. But the West Orange Cove Plaintiffs' disagreement with the State's characterization of the merits is properly left to the briefing to be presented to the Court.

CONCLUSION

Because of the importance of the issues presented by this case, the West Orange Cove Plaintiffs urge the Court to note probable jurisdiction and to set a briefing schedule in accordance with that suggested by the State so that the case may proceed expeditiously.

Respectfully submitted,

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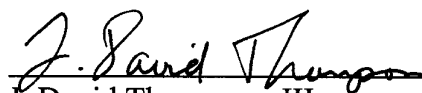
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*by [signature]
Mark T. [signature]*

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WEST ORANGE-COVE CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT ET AL.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *West Orange Cove Appellees' Response to the State's Statement of Jurisdiction* has been sent to the following counsel of record in accordance with the Texas Rules of Appellate Procedure on this 20th day of January, 2005:

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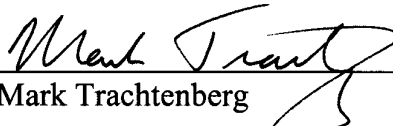
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